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Application No. 10/790941
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Attorney Docket No. S63.2B-10812-US01

Remarks

This Amendment is in response to the Final Office Action dated August 30, 2006.

In the Final Office Action claims 3, 8, and 9 were objected to, but would be allowable if rewritten in independent form. New claims 20, 21, and 22 contain the subject matter of claims 3, 8, and 9 respectively, claims 20 and 21 including the limitations of the parent claims of claims 3 and 8 respectively. Applicant believes these claims are in condition for allowance.

Claims 1, 2, 4, 5, 7, 10, and 11 were rejected under 35 USC 102(b) as being anticipated by Ching et al. (US 6,481,262 B2). Applicant has amended claim 1 to recite "both the first cylindrical member and the second cylindrical member having a longitudinal axis extending in a longitudinal direction, the first plate and the second plate moveable relative to one another in the longitudinal direction".

Ching does not disclose this limitation. The plates of Ching move in a direction relative to one another that is *perpendicular* to the longitudinal axis of the stent of Ching. For at least this reason, claim 1 and those claims dependent thereof are allowable in light of Ching. Applicant respectfully requests that the rejection be withdrawn

Claims 6 and 12 were rejected under 35 USC 103(a) as being unpatentable under Ching. Applicant believes that amended claim 1 is allowable in light of Ching. For at least the reason that claims 6 and 12 are dependent upon amended claim 1, Applicant believes claims 6 and 12 are allowable in light of Ching. Applicant respectfully requests that the obviousness rejection be withdrawn.

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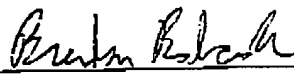
CONCLUSION

In view of the foregoing it is believed that the present application, with pending claims 1-12 and 20-22, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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